

MAGISTRATE JUDGE STANLEY A. BOONE (SAB)
United States District Court - Eastern District of California
2500 Tulare Street, Courtroom #9, 6th Floor
Fresno, California 93721

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1. **Consent**

Due to the pressing workload of the two district judges and the priority of criminal cases under the U.S. Constitution, the parties are strongly encouraged to consent to magistrate judge jurisdiction in an effort to have their cases adjudicated in a timely and cost effective manner. The law requires district judges to give their criminal docket priority over civil and other matters. If your case is before a district judge, the case's proceedings—including trial—may be delayed and the litigation costs associated with the case may increase. Presently, when a civil trial is set before the district judge, any criminal trial set which conflicts with a civil trial, even though the civil trial was set first, will take priority. Continuances of civil trials under these circumstances will no longer be entertained, absent a specific and stated finding of good cause, but will instead trail the completion of the criminal case. While the parties are under no obligation to consent to magistrate jurisdiction, magistrate judges' trial calendars are more flexible and accommodating because magistrate judges are not required to conduct criminal felony cases.

CONSENT FORM

ARTICLE ON MAGISTRATE JUDGE CONSENT IN E.D. Cal. (Fresno Division)

2. **Civil Law and Motion Calendar:**

- a) ***Civil Law & Motion:*** Hearings are on Wednesdays at 10:00 a.m. in Courtroom # 9 - motion dates are not reserved. Motion dates are subject to change at the court's discretion.
- b) ***Clearance of Law & Motion Dates:*** Parties do not need to clear a motion hearing date. File your moving papers in accordance with the Local and Federal Rules, if the date conflicts with the Court's calendar, the Court will reschedule the matter by minute order. ***DATES ARE NOT RESERVED.***
- c) ***Motion Related Documents:*** Paper copies of all motion-related documents, properly tabbed, fastened, and clearly identified as a "Courtesy Copy" shall be submitted to the court, Attention: Judge Boone.
- d) ***Law & Motion Hearings:*** On short notice, Minute Orders may be issued vacating the hearing and taking the matter under submission pursuant to Local Rule 230(g) (Fed.R.Civ.P. 78) - *please refer to the court's Notice of Electronic Filing.*

3. **Scheduling Conferences:**

A Joint Scheduling Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in full compliance with the requirements set forth in the ***Order Setting Mandatory Scheduling Conference***, one (1) full week prior to the Scheduling Conference, and a copy shall be e-mailed, in Word format to saborders@caed.uscourts.gov.

4. **Settlement Conferences:**

- a) ***Prerequisites:*** The case must be ready for meaningful settlement discussions. Plaintiff must make a demand to defendants and initial settlement negotiations must take place prior to the Settlement Conference being held.
- b) ***Settlement Conference Statements:*** *Confidential* Settlement Conference Statements are **MANDATORY** from each party and must be submitted to Judge Boone's chambers **at least seven (7) calendar days prior to the Settlement Conference.**
- c) ***Appearances:*** Parties must appear with counsel. Upon written request with *good cause* submitted for Judge Boone's approval, some telephonic appearances may be granted. These requests are generally discouraged.

5. Telephonic Appearances:

- a) Telephonic appearances by local or out-of-town counsel are acceptable.
- b) Please notify the Courtroom Deputy Clerk if one or more attorneys will be appearing telephonically, so that a notation can be placed on the court calendar. The Courtroom Clerk will provide counsel with the toll-free teleconference number of (877) 336-1280 and the **teleconference code** for call.
- c) Prior to the designated time for the proceedings, counsel shall call the toll-free teleconference number and enter the provided **teleconference code**. The parties are expected to be as timely for the teleconference as they would be if the matter were called in court.
- d) At the scheduled time for the proceeding, the court will enter the teleconference call and begin the proceedings.

6. Discovery Hearings:

Local Rule 251(a) (Fed.R.Civ.P. 37) requires the parties to file a Joint Statement re Discovery Disagreement ("Joint Statement"). Due to the press of business, Judge Boone **REQUIRES** that a Joint Statement be filed one (1) full week before the scheduled hearing date (i.e., the Wednesday before the customary Wednesday hearing). Further, courtesy copies of all motion-related documents, declarations, and exhibits must be delivered to the Clerk's Office by 10:00 a.m. on the fourth (4th) court day prior to the scheduled hearing date. Any motion will be removed from calendar if the Joint Statement or the courtesy copies are not timely filed.

Parties must note that under the "meet and confer" requirements, the court requires, in addition to any written correspondence the parties may engage in (letters and/or email), that the parties physically talk to each other before the hearing about the discovery dispute. This requirement can be accomplished in person, over the telephone or through video conferencing.

7. Informal Telephonic Conferences re Discovery Disputes:

- a) If the parties stipulate, Judge Boone will resolve discovery disputes outside the formal Local Rule 251 procedures. Before resolving the dispute, the parties must agree to an entry of an order by the court after the informal telephonic conference and must abide by such order.
- b) After obtaining the available dates and times from the Courtroom Deputy Clerk and agreeing upon a date and time with opposing counsel, the parties shall confirm with the Courtroom Clerk when they will be calling in. All parties must appear telephonically.
- c) At least 24 hours before the conference, the parties must email a two-page synopsis (no exhibits or attachments) of their dispute to saborders@caed.uscourts.gov. A joint statement is preferable, but not necessarily required. Failure to submit the statement will remove the matter from the informal process and the non-offending party may raise this issue and request sanctions in their formal motion for work associated with this informal discovery dispute process.

8. All Documents Requiring Court Approval:

As required by Local Rule 137(b), counsel shall submit all proposed orders, stipulations, etc., in Microsoft Word® format, to chambers at saborders@caed.uscourts.gov. Pursuant to Local Rule 131(c), the documents should include the attorneys' electronic signatures (i.e. /s/First/Last Name), as well as the date the document was signed.

9. Length of Briefs on Motions other than Rule 251 motions:

Unless prior leave of Court is obtained seven days before the filing date, all moving and opposition briefs or legal memorandum in civil cases shall not exceed 25 pages. Reply briefs filed by moving parties shall not exceed 10 pages. **Any brief exceeding 15 pages shall include a table of contents and a table of authorities.** Briefs that exceed the page limitations or are sought to be filed without leave may not be considered. If any party submits a brief exceeding 25 pages, they must also submit a complete copy of the brief as a chambers courtesy copy, properly tabbed and fastened.